

Declaratory

~~Improvement~~ Res. No. 895-1954

For the opening and laying out,
particularly by establishment of
the grade, of Tyler Avenue in the
City of Fort Wayne from the center
line of Yale Drive north to Harvard
Drive as said street is presently
platted and shown on the recorded
plat thereof.

Resolution Adopted:

Oct. 21, 1954

Confirmed:

Nov. 18, 1954

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Comfirmed:

January 27, 1955

CITY OF FORT WAYNE
BOARD OF PUBLIC WORKS
DECLARATORY RESOLUTION NO. 895-1954

WHEREAS, the City of Fort Wayne, Indiana, is the owner of Tyler Avenue in said City, the same being a duly platted and dedicated public street, extending north from State Boulevard to Harvard Drive, heretofore opened and laid out to the south line of Yale Drive in accordance with the grade established by the City but to the dissatisfaction of certain property owners who have litigated said grade in Cause Numbered 74026 now pending in the Superior Court of Allen County, Indiana, in which the City of Fort Wayne is one of the defendants; and the improvements to date extending 161 feet north of the center line of Yale Drive, having been made without any grade established for the same by the City and also subject to complaints in said pending litigation; and it is therefore necessary that said street should be at least opened and laid out to establish the grade for ultimate use of said dedicated street all the way through from State Boulevard north to Harvard Drive; and the opening and laying out of said street is presently desirable by reason of said pending litigation seeking a removal of certain of the improvements theretofore made therein,

NOW, THEREFORE, be and it is hereby resolved by the Board of Public Works of the City of Fort Wayne, Indiana:

(1) That it is deemed necessary and desirable to open and lay out, particularly by establishment of the grade, of Tyler Avenue in the City of Fort Wayne from the center line of Yale Drive north to Harvard Drive as said street is presently platted and shown on the recorded plat thereof.

(2) The property which may be injuriously or beneficially affected in the City of Fort Wayne by the opening, laying out and establishment of the grade aforesaid is as follows:

Lots 1 to 13 inclusive and Lots 78 to 90 inclusive in Cambridge Hills Addition to the City of Fort Wayne,

all as shown by plat of said street and adjoining lots now on file in the office of this department.

(3) That notice of the adoption of this resolution and of public hearing thereon be published in both the News-Sentinel and the Journal-Gazette on Oct. 28 and Nov. 4, 1954 and that said public hearing be held at the office of this board for the purpose of considering any remonstrance which might have been filed or presented and for the further purpose of taking final action on this resolution, on the 18th day of November, 1954 at 6:30 o'clock P M. CST, (7:30 o'clock P. M. DST)

On motion by Mr. Frank K. Ross seconded by Mr. Orin M. Darling and unanimously passed, the foregoing Declaratory Resolution was duly adopted.

CITY OF FORT WAYNE
BOARD OF PUBLIC WORKS
DECLARATORY RESOLUTION NO. 895-1954

WHEREAS, the City of Fort Wayne, Indiana, is the owner of Tyler Avenue in said City, the same being a duly platted and dedicated public street, extending north from State Boulevard to Harvard Drive, heretofore opened and laid out to the south line of Yale Drive in accordance with the grade established by the City but to the dissatisfaction of certain property owners who have litigated said grade in Cause Numbered 74026 now pending in the Superior Court of Allen County, Indiana, in which the City of Fort Wayne is one of the defendants; and the improvements to date extending 161 feet north of the center line of Yale Drive, having been made without any grade established for the same by the City and also subject to complaints in said pending litigation; and it is therefore necessary that said street should be at least opened and laid out to establish the grade for ultimate use of said dedicated street all the way through from State Boulevard north to Harvard Drive; and the opening and laying out of said street is presently desirable by reason of said pending litigation seeking a removal of certain of the improvements theretofore made therein,

NOW, THEREFORE, be and it is hereby resolved by the Board of Public Works of the City of Fort Wayne, Indiana:

(1) That it is deemed necessary and desirable to open and lay out, particularly by establishment of the grade, of Tyler Avenue in the City of Fort Wayne from the center line of Yale Drive north to Harvard Drive as said street is presently platted and shown on the recorded plat thereof.

November 19, 1954

Mr. Paul Philips, City Attorney
417 Standard Building
Fort Wayne, Indiana

Dear Mr. Philips:

Attached hereto is a Certified Copy of Declaratory Resolution
No. 895, also copy of Confirmation in Meeting of November
18, 1954.

Yours truly,

J. L. Hallett, Secretary
BOARD OF PUBLIC WORKS

JLH:m
Encs.

(2) The property which may be injuriously or beneficially affected in the City of Fort Wayne by the opening, laying out and establishment of the grade aforesaid is as follows:

Lots 1 to 13 inclusive and Lots 78 to 90 inclusive in Cambridge Hills Addition to the City of Fort Wayne, all as shown by plat of said street and adjoining lots now on file in the office of this department.

(3) That notice of the adoption of this resolution and of public hearing thereon be published in both the News-Sentinel and the Journal-Gazette on Oct. 28 and Nov 4, 1954, and that said public hearing be held at the office of this board for the purpose of considering any remonstrance which might have been filed or presented and for the further purpose of taking final action on this resolution, on the 18th day of November, 1954, at 6:30 o'clock P.M. CST, (7:30 o'clock P. M. DST).

On motion by Mr. Frank K. Ross seconded by Mr. Orin M. Darling and unanimously passed, the foregoing Declaratory Resolution was duly adopted.

- EXCERPT -

MINUTES OF MEETING OF
NOVEMBER 18, 1954

This being the date and time previously fixed by the Board when it would hear and consider objections or remonstrances against Declaratory Resolution Number 895-1954, which provides for the opening and laying out, particularly by establishment of the grade, of Tyler Avenue in the City of Fort Wayne from the center line of Yale Drive north to Harvard Drive as said street is presently platted and shown on the recorded plat thereof; there being no objections or remonstrances of any nature whatsoever presented in the matter of the foregoing resolution, motion was made, seconded and carried that the said resolution be FULLY AND FINALLY CONFIRMED, and that the City Engineer be instructed to prepare an assessment roll of benefits and damages for the same.

* * * * *

As the duly appointed and acting Secretary of the Board of Public Works and Custodian of the Records, I hereby solemnly swear that the above is a true and exact copy of the Resolution, Confirmed by the Board of Public Works in its Meeting of November 18, 1954, and as it appears in the Minutes of the Meeting of November 18, 1954, Minute Record Book No. 35, Page 3 and 4.

J. L. Hallett, Secretary
BOARD OF PUBLIC WORKS

*Court Session June 22
Continued Sept 20, 1955*

C O P Y

DECLARATORY RESOLUTION NO. 895 - 1954

895 - For the opening and laying out, particularly by establishment of the grade, of Tyler Avenue in the City of Fort Wayne from the center line of Yale Drive north to Harvard Drive as said street is presently platted and shown on the recorded plat thereof.

| | |
|---|---|
| PLANS ORDERED; | September 28, 1954 - <i>Book 34, p. 427</i> |
| ADOPTED: | October 21, 1954 " <i>34, p. 465</i> |
| ADVERTISE: | Oct. 28th & Nov. 4th " <i>34, p. 465</i> |
| HEARING ON CONFIRMATION: | Nov. 18, 1954, 7:30 P.M. (DST) - <i>Book 35, p. 3</i> |
| CONFIRMED: | Nov. 18, 1954 " " <i>p. 4</i> |
| ASSESSMENT ROLL ORDERED: | Nov. 18, 1954 " " <i>p. 4</i> |
| ASSESSMENT ROLL ^{<i>Submitted</i>} APPROVED: | Dec. 21, 1954 " " <i>p. 39</i> |
| HEARING ON CONFIRMATION OF ASSESSMENT: | Thurs. Jan, 27, 1955 7:30 P.M. (DST) - <i>Book 35 p. 29</i> |
| NOTICES SERVED: | January 14th. <i>77</i> |
| ASSESSMENT ROLL CONFIRMED: | January 27, 1955 - <i>Book 35, p. 77</i> |

List of Exhibits left with court

- #1. Original permit granted*
- 2 - Newspaper Clipping - proof of publication*
- 3 - Notice served to Hanna Corp*
- 4 - Notice served to Lee J Hartzell*
- 5 - Original petition to ^{establish} grade*
- 6 - Recorded plat.*

UNITED STATES GUARANTEE COMPANY

CHUBB & SON
MANAGERS

IN REPLY PLEASE REFER TO

90 JOHN STREET
NEW YORK 38, N.Y.

Arthur A. Kuhne

April 6, 1953

Chief Clerk
City of Fort Wayne
Fort Wayne, Indiana

Dear Sir:

Re: Bond No. 7565484-THE A. BENTLEY & SONS COMPANY-
Guaranty Bond for Construction of Macadam Pavement
on Tyler Ave., Fort Wayne, Ind.-in favor of the City
of Fort Wayne, Ind.-\$6,000.00-eff. 3/14/52.

We have been advised by The A. Bentley & Sons Company's Insurance Broker that the above captioned bond is no longer required, inasmuch as the construction job covered thereunder has long since been completed.

This bond is considered a continuous obligation and we will therefore, appreciate your authorizing us to terminate our liability thereunder, so that no further premiums will accrue thereon. Please terminate this bond as of the date of this letter, or such other date as you may so specify.

Yours very truly,

UNITED STATES GUARANTEE COMPANY

By:

Arthur A. Kuhne
Arthur A. Kuhne

Assistant Secretary

AAK:jf

UNITED STATES GUARANTEE COMPANY

CHUBB & SON
MANAGERS

IN REPLY PLEASE REFER TO

Arthur A. Kuhne

90 JOHN STREET

NEW YORK 38, N.Y.

May 4, 1953

Chief Clerk
City of Fort Wayne
Fort Wayne, Indiana

Dear Sir:

Re: Bond No. 7565484-THE A. BENTLEY & SONS COMPANY-Guaranty
Bond for Construction of Macadam Pavement on Tyler Ave.,
Fort Wayne, Ind.-in favor of the City of Fort Wayne, Ind.-
\$6,000.00-eff. 3/14/52.

We have been advised by The A. Bentley & Sons Company's Insurance Broker that the above captioned bond is no longer required, inasmuch as the construction job covered thereunder has long since been completed.

This bond is considered a continuous obligation and we will therefore, appreciate your authorizing us to terminate our liability thereunder, so that no further premiums will accrue thereon. Please terminate this bond as of the date of this letter, or such other date as you may so specify.

Yours very truly,

UNITED STATES GUARANTEE COMPANY

By: *Arthur A. Kuhne*
Arthur A. Kuhne
Assistant Secretary

5/8/53

AAK:jf

North of Purdue Drive about 100 ft. Pavement full of holes and needs repair. Balance of pavement has a number of large cracks that will travel if not repaired soon.

UNITED STATES GUARANTEE COMPANY

CHUBB & SON
MANAGERS

IN REPLY PLEASE REFER TO

90 JOHN STREET

Arthur A. Kuhne

NEW YORK 38, N.Y.

June 2, 1953

Chief Clerk
City of Fort Wayne
Fort Wayne, Indiana

Dear Sir:

Re: Bond No. 7565484-THE A. BENTLEY & SONS COMPANY-Guaranty
Bond for Construction of Macadam Pavement on Tyler Ave.,
Fort Wayne, Ind.-in favor of the City of Fort Wayne, Ind.-
\$6,000.00-eff. 3/14/52.

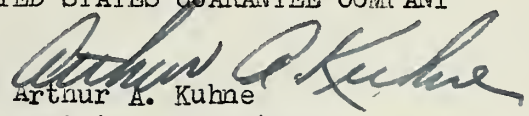
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This bond is considered a continuous obligation and we will therefore, appreciate your authorizing us to terminate our liability thereunder, so that no further premiums will accrue thereon. Please terminate this bond as of the date of this letter, or such other date as you may so specify.

Yours very truly,

UNITED STATES GUARANTEE COMPANY

By:


Arthur A. Kuhne
Assistant Secretary

AAK:jf

IN CONNECTION WITH THE ABOVE, OUR INSPECTOR ADVISES THAT THIS WORK HAS BEEN COMPLETED, AND THAT BOND IS NO LONGER REQUIRED AND CAN BE TERMINATED AS OF JUNE 2, 1953.

~~BOARD OF PUBLIC WORKS~~
CITY HALL
FORT WAYNE, INDIANA

SECRETARY

